

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 5, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: ORDINANCE TO AMEND THE MINIMUM ACREAGE THAT MAY BE DEDICATED TO OPEN-SPACE USE FROM FIVE ACRES TO ONE-QUARTER OF AN ACRE

ISSUE: Ordinance to amend the minimum acreage that may be dedicated to open-space use from five acres to one-quarter of an acre.

RECOMMENDATION: That City Council pass on first reading and schedule for public hearing, second reading and final passage on June 14, 2003, an ordinance to amend the minimum acreage that may be dedicated to open-space use from five acres to one-quarter of an acre.

BACKGROUND: Currently property owners in the City of Alexandria currently must have a minimum of five acres to apply and qualify for an open-space assessment. This is the minimum acreage requirement prior to an amendment to the state law to the new quarter-acre minimum. This amendment was a City Council initiative. An open space assessment is one that reduces the assessed value from a zoning-based market basis to a basis that reflects the land's status as unimproved open space. This method is used widely across the United States, typically most often in rural jurisdictions like Loudoun County where the preservation of agricultural or woodlands is a desired public policy objective. It is recognized as a useful tool in preserving open space.

Since Alexandria is an urban, largely developed jurisdiction, typical lot and remaining open space areas in the City are significantly smaller than five acres. There has only been one open-space assessment in the City to date (the Winkler Nature Preserve), and this ordinance would allow property owners of smaller lots having at a minimum one-quarter of an acre (10,890 square feet) of open space to have the ability to apply for an open-space assessment. Open space in general is defined as open space which is not associated with any buildings or major physical structures (like swimming pools, parking lots, etc) on the property where the open space assessment is being requested. A vacant parcel where density has been transferred to an adjacent parcel would not qualify for an open space assessment. Landscaping improvements such as shrubs, gardens, walls, trees and fences, paths would not likely disqualify a parcel from open space assessment.

Open space assessments are not perpetual and legally binding like permanent open space easements. As a result state law requires that in the event that the open space use changes to an active use (such as construction of a dwelling), that the open space assessment is terminated and that the property owner is required to remit back to the locality the difference in taxes between a zoning, market based assessment and the open space assessment for the prior five years.

FISCAL IMPACT: The fiscal impact is difficult to measure because it is unknown how many property owners may apply and/or qualify for the open-space assessment. However, the total fiscal impact to the City is likely to be less than \$140,000 per year. To put the fiscal impact in perspective, a buildable, vacant area for a single family house may have an assessed value of \$300,000. A land use assessment may lower that by 90% to \$30,000. As a result the real estate tax bill would drop about \$2,800 per year. If 50 parcels qualify for land use assessment then the cost of this open space initiative would be about \$140,000 per year over time. It is likely that it will take a number of years to reach the 50 parcel open space assessment level.

The fiscal impact of this would be not only be the cost of the tax dollars lost in the assessed value, but also increased administrative costs to monitor the program and determine the fair market value and the use-value for each parcel that qualifies for the open space exemption.

ATTACHMENT: Proposed Ordinance to Amend the Minimum Acreage that May Be Dedicated to Open-Space Use From Five Acres To One-Quarter of an Acre

STAFF:

Mark Jinks, Assistant City Manager

Karen Snow, Assistant City Attorney

Cindy Smith-Page, Director, Real Estate Assessments

EXHIBIT NO. 2

26
6-10-03

Introduction and first reading:	6/10/03
Public hearing:	6/14/03
Second reading and enactment:	6/14/03

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 3-2-205 (DUTIES OF REAL ESTATE ASSESSOR; RIGHTS OF AGGRIEVED PARTIES) of Division 2 (TAXATION OF REAL ESTATE DEVOTED TO OPEN-SPACE USE), ARTICLE M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia 1981, as amended.

Summary

The proposed ordinance reduces the minimum sixe requirement for open-space use taxation to one-quarter of an acre.

Sponsor

Department of Real Estate Assessments

Staff

Cindy Smith-Page, Director, Department of Real Estate Assessments
Karen S. Snow, Assistant City Attorney

Authority

§ 58.1-3233(2) of the Code of Virginia (1950), as amended.

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 3-2-205 (DUTIES OF REAL ESTATE ASSESSOR; RIGHTS OF AGGRIEVED PARTIES) of Division 2 (TAXATION OF REAL ESTATE DEVOTED TO OPEN-SPACE USE), ARTICLE M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-205 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-205 Duties of real estate assessor; rights of aggrieved parties.

Upon the receipt of an application, and prior to assessment of any parcel of real estate under the provisions of this division, the real estate assessor shall determine that the real estate devoted to open-space use consists of a minimum of ~~five acres~~ one-quarter of an acre and that such real estate meets the criteria set forth in section 3-2-201 and the standards prescribed thereunder to qualify for open-space use; he may request an opinion from the state director of the department of conservation and economic development, state commission of outdoor recreation or state commissioner of agriculture and commerce. Upon the refusal of the commissioner of agriculture and commerce, the director of the department of conservation and economic development or the director of the commission of outdoor recreation to issue an opinion, or in the event of an unfavorable opinion which does not comport with standards set forth in the statement filed pursuant to this section, the party aggrieved may seek relief from the Circuit Court of the City of Alexandria, and in the event that the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this section.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 6/10/03
First Reading: 6/10/03
Publication:
Public Hearing:
Second Reading:
Final Passage:

N.B. Redlining is not part of the ordinance but denotes material that is new or amended.
Strike-outs or dashes are not part of the ordinance but denote material that is being deleted.

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24-32
6-10-03

- CITY SEAL -

Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber, City Hall, City of Alexandria, Virginia, on Saturday, June 14, 2003, at 9:30 a.m., or as soon thereafter as may be heard on the hereinafter described ordinances.

TITLE OF ORDINANCE

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, and for the payment of municipal expenditures by providing supplemental appropriations of amounts required to defray certain expenditures and liabilities of the city for fiscal year 2003, which began on the first day of July 2002 and ends on the thirtieth day of June 2003.

The proposed ordinance appropriates supplemental funds for the operation of city government in fiscal year 2003.

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TITLE OF ORDINANCE

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, for the payment of interest and principal on the city debt and other municipal expenditures and expenses, and for other purposes, for fiscal year 2004, beginning on the first day of July 2003 and ending on the thirtieth day of June 2004.

The proposed ordinance appropriates funds for the operation of the city government in fiscal year 2004.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 3-2-205 (DUTIES OF REAL ESTATE ASSESSOR; RIGHTS OF AGGRIEVED PARTIES) of Division 2 (TAXATION OF REAL ESTATE DEVOTED TO OPEN-SPACE USE), ARTICLE M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

The proposed ordinance reduces the minimum size requirement for open-space use taxation to one-quarter of an acre.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Section 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), ARTICLE M (LEVY AND COLLECTION OF PROPERTY TAXES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia 1981, as amended.

The proposed Ordinance will permit the supplemental real estate tax assessment of new buildings substantially completed after November 1 of the tax year.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Article A (TAXICABS AND FOR-HIRE VEHICLES) of Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Division 7 (CONDITIONS OF CERTIFICATES AND PERMITS).

The proposed ordinance adopts dispute resolution procedures for the taxicab industry to provide a fair and equitable means for taxicab company owners, managers and drivers to work out disputes that arise between companies and drivers. The Taxicab Task Force, the Traffic and Parking Board and City staff have recommended the adoption of such procedures.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain subsection (n) (SECOND PRESBYTERIAN CHURCH ELECTION DISTRICT) of Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES), and to amend and reordain "The Official Map of the City of Alexandria, Virginia, Designating Election Districts and Voting Places," adopted by Section 2-2-13 (MAP OF ELECTION DISTRICTS AND VOTING PLACES), all of Chapter 2 (ELECTIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended. The proposed ordinance changes the voting place within the Second Presbyterian Church Election District from the Second Presbyterian Church, located at 1400 Janney's Lane, to the Douglas MacArthur School, located at 1101 Janney's Lane. No change is made to the existing boundaries of the election district. However, in accordance with the practice of naming the election districts after the associated voting place, the name of the district is changed to the Douglas MacArthur School Election District. With the sale of

the Second Presbyterian Church property, that site will no longer be available for use as a voting place.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain Ordinance No. 2165, as amended, to grant a one-year extension of franchise rights to Verizon Virginia, Inc., formerly known as Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia.

The proposed ordinance extends the franchise ordinance enacted in 1977, which permits equipment and facilities of Verizon Virginia, Inc. to be located within the public rights-of-way in the City of Alexandria, to April 30, 2004.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendments heretofore approved by city council to such master plan as Master Plan Amendment Nos. 2003-0005, 2003-0006 and 2003-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendments. The proposed ordinance accomplishes the final adoption of Master Plan Amendment Nos. 2003-0005, 2003-0006 and 2003-0007, to adopt amendments to the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, and to add the Alexandria Open Space Plan and the Strategic Master Plan for Recreation, Parks and Cultural Activities as chapters of the said Master Plan.

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TITLE OF ORDINANCE

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to add a new Section 4-1400 (NEIGHBORHOOD RETAIL ZONE (ARLANDRIA)) to Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), and to amend and reordain Paragraphs (6) (CDD No. 6 ARLANDRIA CENTER/BERKEY PHOTO) and (7) (CDD No. 7 ROUTE 1 PROPERTIES) of, and to add a new Paragraph (12) (CDD No. 12 SAFEWAY/DATATEL) to, Subsection (A) (CDD DISTRICTS), of Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS), all of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text

amendments heretofore approved by city council as Rezoning No. 2003-0003 and Text Amendment No. 2003-0003.

The proposed ordinance accomplishes the final adoption of Rezoning No. 2003-0003 and Text Amendment No. 2003-0003, to implement the zoning changes required by the recently approved amendments to the Arlandria portion of the Potomac West Small Area Plan Chapter of the City's Master Plan.

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THE PUBLIC IS ADVISED THAT AMENDMENTS OR ADDITIONS MAY BE MADE TO PROPOSED ORDINANCES WITHOUT FURTHER PUBLICATION. IT IS RECOMMENDED THAT PERSONS INTERESTED IN ANY OF THESE ORDINANCES OBTAIN A FREE FULL-TEXT COPY FROM THE CITY CLERK AT CITY HALL. JACKIE HENDERSON, CMC, CITY CLERK

To be published in the:

Northern Virginia Journal on Thursday, June 12, 2003
Alexandria Gazette Packet on Thursday, June 12, 2003